

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**FRANKLIN CONSTRUCTION GROUP, )  
LLC, )**

**Plaintiff, )**

**v. )**

**WILLIAM SHORE, JWSC, LLC, KEITH )  
MEADOWS, JOSEPH HEATH, HYDS INC., )  
DEAN BINGHAM, LUNDON JOHNSON, )  
TYLER WEBER, JOEL CHEVRETTE, )  
DANNY KNOWLES, SCOTT MATTHEWS, )  
and LOWE’S HOME CENTERS, INC., )**

**Defendants. )**

**Case No. 3:24-cv-01255  
JURY DEMAND**

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**FRANKLIN CONSTRUCTION GROUP, LLC’S MEMORANDUM OF LAW IN  
SUPPORT OF ITS MOTION FOR DEFAULT JUDGMENT AGAINST WILLIAM  
SHORE AND JWSC, LLC**

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Pursuant to Fed. R. Civ. P. 55, Plaintiff Franklin Construction Group, LLC (“FCG”) submits this memorandum of law in support of its motion for default judgment against Defendant William Shore (“Shore”) and Defendant JWSC, LLC (“JWSC”). For the reasons set forth below, the motion should be granted.

**PROCEDURAL HISTORY**

FCG initiated this cause of action by filing the Complaint on October 21, 2024 [DE #1]. On November 7, 2024, Shore and JWSC each were served with a Summons, a copy of the Complaint and accompanying documents [DE #33 and 36]. Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), Shore and JWSC were required to file and serve answers or other responses to the Complaint on or before December 2, 2024.

Shore and JWSC each failed to file a timely answer or other response to the Complaint, and no attorney has made an appearance on behalf of Shore or JWSC. *See* Declaration of Todd E. Panther, a copy of which is attached as Exhibit A to the Motion for Default Judgment.

### **ARGUMENT**

1. FCG is entitled to a default judgment against Shore and JWSC which must be entered by the Clerk.

#### *I. Fed. R. Civ. P. 55*

Pursuant to Fed. R. Civ. P. 55(a), “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.” Fed. R. Civ. P. 55(a). Subsection (b)(1) of Fed. R. Civ. P. 55 further states that:

[i]f the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

Fed. R. Civ. P. 55(b)(1). Despite being properly served with process, neither Shore nor JWSC has filed a timely answer or other response to the Complaint and no attorney has made an appearance on behalf of Shore or JWSC. Furthermore, the Complaint alleges in detail the damages incurred by FCG. *See* Declaration of Ben Schaedle, a copy of which is attached is attached as Exhibit B to the Motion for Default Judgment. The actual damages, when computed, total \$8,297,469.19 for the counts against Shore and JWSC in the Complaint.

#### *II. Local Rule 55.01*

Local Rule 55.01 provides that:

[m]otions for entry of default under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying: (i) proof of service; (ii) the opposing party's failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing party is not a minor or incompetent person; and, (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Evidence from the Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service must be appended to the unsworn declaration

LR 55.01. The declaration of Todd E. Panther verifies (i) the proof of service of Shore and JWSC; (ii) Shore and JWSC's failure to plead or otherwise defend; and (iii) that Shore is not in the military service. In addition, the declaration of Ben Schaedle verifies that Shore is not a minor nor an incompetent person.

*III. 18 U.S.C.A. § 1964(c)*

Count one against both Shore and JWSC is for violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO Act") as codified in 18 U.S.C.A. § 1961, et seq. Pursuant to 18 U.S.C.A. § 1964(c), a plaintiff that has been damaged by reason of a violation of the RICO Act is entitled to recover treble damages. *See* 18 U.S.C.A. § 1964(c). Because FCG properly pled and specifically identified damages caused by Shore and JWSC under the RICO Act, FCG is entitled to treble damages.

**CONCLUSION**

For the reasons set forth above, FCG is entitled to a judgment against JWSC as to liability on Counts I-IV in the Complaint; FCG is entitled to a judgment against Shore as to liability on Counts I-V in the Complaint; FCG is entitled to a judgment against JWSC and Shore, jointly and severally, for actual damages in the amount of \$8,297,469.19; FCG is entitled to a judgment against JWSC and Shore, jointly and severally, for treble damages in the amount of

\$24,892,407.57 pursuant to 18 U.S.C.A. § 1964(c). Therefore, the Clerk should enter judgment in FCG's favor accordingly.

Respectfully submitted,

/s/ Todd E. Panther

Todd E. Panther (BPR #014438)

Christopher C. Sabis (BPR #030032)

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CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of December 2024, the foregoing was filed electronically with the Clerk of Court to be served by the Court's electronic filing system upon the parties in this matter.

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/s/ Todd E. Panther  
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